UNITED NATIONS **E**

Economic and Social Council

Distr.
GENERAL

E/CN.4/Sub.2/2001/1/Add.1
25 June 2001

Original: ENGLISH

COMMISSION ON HUMAN RIGHTS
Sub-Commission on the Promotion
and Protection of Human Rights
Fifty-third session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General*

* These annotations are based upon the provisional agenda of the fifty-third session of the Sub-Commission, with the addition of indicative subheadings dividing the text of the annotations for ease of reference.

GE.01-14284 (E) 170701

CONTENTS

Item		Paragraphs	Page
1.	Organization of work	1 - 27	3
2.	Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)	28 - 32	8
3.	Administration of justice	33 - 46	11
4.	Economic, social and cultural rights	47 - 87	14
5.	Prevention of discrimination and protection of indigenous peoples and minorities	88 - 136	21
6.	Other issues	137 - 203	31
7.	Concluding items	204 - 206	43

Annex

List of members and alternates of the Sub-Commission on the Promotion and Protection of Human Rights 44

Item 1. Organization of work

Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session", the Sub-Commission "shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/2000/1. It is based on the list of draft provisional items for the agenda of the fifty-third session of the Sub-Commission as contained in its decision 2000/120. In that decision, the Sub-Commission took note of the items proposed by the Bureau on the understanding that sub-items would be decided upon at the time of adoption of the provisional agenda.

3. In its decision 2000/110, the Sub-Commission decided to include in the provisional agenda for its fifty-third session a new sub-item on smuggling and trafficking in persons and the protection of their human rights (see also paras. 172-173 below). In its resolution 2000/22, the Sub-Commission decides to include in the provisional agenda of its fifty-third session a new sub-item entitled "Promotion of dialogue on human rights issues" (see also para. 175 below).

4. Since 1985, the Sub-Commission has taken a number of decisions regarding the consideration, on a biennial basis, of certain agenda items (see resolutions 1985/34 and 1989/1). As a result of those decisions, the Sub-Commission considered the following items on a biennial basis:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Human rights and disability;

(d) Human rights and scientific and technological developments;

(e) Encouragement of universal acceptance of human rights instruments.

5. In its resolution 1993/22, the Sub-Commission decided to remain seized of the question of the human rights of disabled persons and to deal with it each year.

6. Pursuant to Sub-Commission resolution 1995/26 (para. 1) and Commission on Human Rights resolution 1995/86, the human rights of women and girl children are to be considered under all items of the agenda.

7. Pursuant to the revised procedure for dealing with communications concerning human rights approved by the Economic and Social Council in its resolution 2000/3 of 16 June 2000, the agenda item entitled "Communications concerning human rights: report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (LXVIII)" has been removed from the agenda of the Sub-Commission.

Organization of work

8. At its forty-sixth session, the Sub-Commission, in its decision 1994/103, decided to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world, at the commencement of its annual sessions.

9. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. By its decision 1994/104, the Sub-Commission decided, inter alia, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention. From 1997, the question of compensation was no longer in the title of the working group.

10. At its fifty-second session, the Sub-Commission, concerned that the reduction in length of the annual session of the Sub-Commission would have serious adverse effects on the effectiveness of the sessional working group on the administration of justice, recommended that the Commission on Human Rights authorize it to convene a working group on the administration of justice for two days prior to the Sub-Commission's session (resolution 2000/5). The Commission on Human Rights, in its decision 2001/106, decided to authorize the Sub-Commission to convene a working group on the administration of justice during its fifty-third session. (See also para. 33 below.)

11. At its fiftieth session, the Sub-Commission, in resolution 1998/8, decided to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations (see also paras. 47-53 below).

12. When considering the organization of its work, the Sub-Commission may wish to refer to the annex to its decision 1999/114 containing the guidelines for the application by the Sub-Commission of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto (see also paras. 13-14 below). The attention of the Sub-Commission is also drawn to the decisions it adopted at its fifty-first session concerning the organization of its work (see E/CN.4/2001/2-E/CN.4/Sub.2/2000/46,

paras. 18-26), in particular those relating to the limitation of the frequency and duration of statements (paras. 18-20 and 25-26), the opening and closure of the list of speakers (paras. 21-22) and the submission of draft resolutions (para. 23).

Methods of work

13. The Economic and Social Council, in resolutions 1983/32, 1986/35 and 1991/32; the Commission, in resolutions 1983/21, 1983/22, 1984/60, 1985/28, 1986/37, 1986/38, 1987/35, 1988/43, 1989/36, 1990/64, 1991/56, 1992/66, 1993/28, 1994/23, 1995/26, 1996/25, 1997/22, 1998/28, 1999/81, 2000/83 and 2001/60 and decisions 1986/102, 1994/103 and 2000/109; and the Sub-Commission, by resolutions 1983/21, 1984/37, 1985/24 and 1992/8 and decisions 1990/101, 1991/117, 1994/117, 1995/112, 1995/113, 1995/114, 1995/115, 1996/112, 1996/113, 1996/114, 1996/115, 1997/112, 1997/113, 1999/114, 2000/105 and 2000/106, provided a number of general and specific directives and suggestions concerning the Sub-Commission's role and methods of work. In Commission resolutions 1991/56, 1992/66, 1993/28, 1994/23, 1995/26, 1996/25, 1997/22, 1998/28, 1999/81 and 2001/60 and in Sub-Commission decision 2000/106, the Chairpersons of the Sub-Commission were requested to report to the Commission. The Chairpersons of the Sub-Commission submitted their reports to the Commission at its forty-eighth (E/CN.4/1992/46), forty-ninth (E/CN.4/1993/60), fiftieth (E/CN.4/1994/70), fifty-first (E/CN.4/1995/83), fifty-second (E/CN.4/1996/81), fifty-third (E/CN.4/1997/79), fifty-fourth (E/CN.4/1998/88), fifty-fifth (E/CN.4/1999/84), fifty-sixth (E/CN.4/2000/87) and fifty-seventh (E/CN.4/2001/86) sessions.

14. In its decision 1996/114, the Sub-Commission, mindful of the need for and merit of having a consolidated set of the rules of procedure fully applicable to it, decided to entrust Mr. Ribot Hatano with the task of preparing a working paper relating to the methods of work of the Sub-Commission which would contain: (a) a compilation of the existing guidelines, decisions and any other instruments applicable to the procedures of the Sub-Commission; and (b) a list of the procedural questions which need to be resolved by the Sub-Commission. At its forty-ninth, fiftieth and fifty-first sessions, the Sub-Commission had before it, respectively, the working paper (E/CN.4/Sub.2/1997/3), the revised working paper (E/CN.4/Sub.2/1998/3) and the final working paper (E/CN.4/Sub.2/1999/2) prepared by Mr. Hatano.

15. The working papers prepared by Mr. Hatano were considered by the sessional working group on the methods of work of the Sub-Commission established at its forty-ninth and fifty-first sessions. In its decision 1999/114, the Sub-Commission decided to transmit to the Commission on Human Rights for its information the "Guidelines for the application by the Sub-Commission on the Promotion and Protection of Human Rights of the rules of procedure of the functional commissions of the Economic and Social Council and other decisions and practices relating thereto" resulting from the work of its sessional working group on methods of work. The guidelines were annexed to Sub-Commission decision 1999/114. In the same decision, the Sub-Commission requested the High Commissioner for Human Rights to disseminate those guidelines in printed form in order to make them readily accessible to all participants in the sessions of the Sub-Commission.

16. In its decision 2000/109 entitled "Enhancing the effectiveness of the mechanisms of the Commission on Human Rights", the Commission decided to approve and implement comprehensively and in its entirety the report of the inter-sessional open-ended Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights (E/CN.4/2000/112) which was annexed to that decision. Chapter four of the report of the Working Group (paras. 42-56) relates to the Sub-Commission. With regard to the methods of work of the Sub-Commission, paragraph 52 of the report stated that:

> "the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission. It should also be allowed to discuss urgent matters involving serious violations of human rights in any country. However, the Sub-Commission should not adopt country-specific resolutions; its discussions would be reflected in the summary records of the debate, which should continue to be forwarded to the Commission."

In paragraph 53, it was recommended that the Sub-Commission, consistent with its independent expert character as a think-tank, should "refrain from negotiating and adopting thematic resolutions which contain references to specific countries".

17. In its decision 2000/105, the Sub-Commission, with the object of implementing Commission on Human Rights decision 2000/109, in particular paragraph 52 of the annex, and in conformity with paragraph 2 of Commission resolution 8 (XXIII) of 16 March 1967, decided to include on an experimental basis in its report an extended and objective overview of its discussions under the agenda item on violations of human rights. Subsequently, and taking into account the fact that several members of the Sub-Commission considered that such an overview would not be in conformity with Commission decision 2000/109, the Sub-Commission decided to revise its earlier decision and not to include in its report an overview of its discussions on human rights violations but to request the Commission's advice as to how the Sub-Commission could best inform the Commission of its deliberations under that item.

18. At its fifty-seventh session, the Commission on Human Rights, in resolution 2001/60 entitled "Work of the Sub-Commission on the Promotion and Protection of Human Rights", reaffirmed its recognition of the valuable contribution made by the Sub-Commission, as a subsidiary body of the Commission on Human Rights, to the human rights work of the United Nations over the past 54 years.

19. The Commission also reaffirmed that the Sub-Commission could best assist the Commission by providing it with:

(a) Independent expert studies carried out by its members or alternates;

(b) Recommendations based on, and after full consideration of, these studies;

(c) Studies, research and expert advice at the request of the Commission.

20. The Commission welcomed the steps undertaken by the Sub-Commission to reform and improve its agenda for the fifty-third session. It reiterated:

(a) Its decision that the Sub-Commission should not adopt country-specific resolutions and, in negotiating and adopting thematic resolutions, should refrain from including references to specific countries;

(b) That the Sub-Commission should continue to be able to debate country situations not being dealt with in the Commission, as well as urgent matters involving serious violations of human rights in any country, and that its discussions would be reflected in the summary records of its debates, which should continue to be forwarded to the Commission.

21. With reference to the request contained in Sub-Commission decision 2000/105, the Commission invited the Sub-Commission to refer to paragraphs 51 to 53, in particular paragraph 52, of the report of the Working Group on Enhancing the Effectiveness of the Mechanisms of the Commission on Human Rights.

22. The Commission recommended that the Sub-Commission further improve its methods of work by:

(a) Focusing on its primary role as an advisory body to the Commission, specifically when its advice is requested by the Commission;

(b) Giving particular attention to the selection of studies specifically recommended by the Commission, and at the same time focusing on how and when the implementation of existing standards could be improved;

(c) Respecting strictly the highest standards of impartiality and expertise, and avoiding acts which would affect confidence in the independence of its members;

(d) Facilitating efficient and effective participation of non-governmental organizations;

(e) Giving full consideration to studies and working papers by special rapporteurs and its members before sending them to the Commission;

(f) Focusing strictly on questions relating to human rights in accordance with its mandate;

(g) Avoiding duplication of its work with that being carried out by other competent bodies and mechanisms.

23. The Commission invited the Sub-Commission in particular:

(a) To devote sufficient time at its fifty-third session, principally in closed session, to the discussion and adoption of its working methods and timetable, so as to avoid prolonged procedural debates in public meetings;

(b) To reserve time to meet in closed session for the preliminary discussion of reports and working papers, for example by holding question-and-answer sessions;

(c) To propose further measures to improve the functioning of the Sub-Commission, including the further streamlining of its agenda.

24. The Commission invited the Secretary-General to give support to the Sub-Commission, inter alia by making available documentation in a timely fashion before each session in the official languages of the United Nations and assisting the Sub-Commission with regard to requests for information from Governments and intergovernmental and non-governmental organizations, but to consider such requests only after they had been approved by the Commission.

25. The Chairperson of the fifty-seventh session of the Commission on Human Rights was invited to address the Sub-Commission at the opening meeting of its fifty-third session and to inform it about that resolution and the debate that had taken place on that subject at the fifty-seventh session of the Commission under agenda item 16. The Commission also invited the Chairperson of the fifty-third session of the Sub-Commission to report to the Commission at its fifty-eighth session, including on an assessment of how recent enhancements of the effectiveness of the Sub-Commission and of its mechanisms had worked in practice.

26. At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/2001/5).

Documentation

27. With regard to documentation, the attention of the Sub-Commission is drawn to Economic and Social Council resolution 1986/33, adopted upon the recommendation of the Commission contained in its resolution 1986/31, by which the Council requested the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that special rapporteurs responsible for preparing reports and studies were brief and concise and that their reports and studies, as far as possible, did not exceed 32 pages. The Council also decided that henceforth studies prepared by special rapporteurs of the Sub-Commission should be printed only following an express decision to that effect taken by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications. The attention of the Sub-Commission is also drawn to other relevant resolutions concerning control and limitation of documentation (inter alia the latest, General Assembly resolutions 52/214 B, 53/208 B, 54/248 C and 55/222, part III).

Item 2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

28. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the item entitled "Question of violations of human rights and

fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories. (See also paras. 16-17, 20-21 and 26 above.)

Situation of human rights in Togo

29. At its fifty-first session, the Sub-Commission, in a statement by the Chairperson on the situation of human rights in Togo (E/CN.4/2000/2-E/CN.4/Sub.2/1999/54, chap. II, sect. C), made on 20 August 1999 and agreed on by consensus, requested to be informed by the Secretary-General of the United Nations and the Secretary-General of the Organization of African Unity, at its next session, of the results of the efforts undertaken in the framework of that statement. At its fifty-second session, the Sub-Commission had before it a note by the Secretary-General (E/CN.4/Sub.2/2000/8) concerning the establishment of the International Commission of Inquiry for Togo.

30. The attention of the Sub-Commission is drawn to a note by the High Commissioner for Human Rights transmitting the report of the International Commission of Inquiry for Togo (E/CN.4/2001/134-E/CN.4/Sub.2/2001/3 and Add.1-3).

Other matters

Action by the General Assembly at its fifty-fifth session

31. The attention of the Sub-Commission is drawn to General Assembly resolutions 55/95, entitled "Situation of human rights in Cambodia"; 55/112, entitled "Situation of human rights in Myanmar"; 55/113, entitled "Situation of human rights in parts of South-eastern Europe"; 55/114, entitled "Situation of human rights in the Islamic Republic of Iran"; 55/115, entitled "Situation of human rights in Iraq"; 55/116, entitled "Situation of human rights in the Sudan"; 55/117, entitled "Situation of human rights in the Democratic Republic of the Congo"; 55/118, entitled "Situation of human rights in Haiti"; 55/119, entitled "Situation of human rights in Afghanistan".

Action by the Commission on Human Rights at its fifty-seventh session

32. The attention of the Sub-Commission is also drawn to the following resolutions and decisions adopted and Chairperson's statements made at the Commission's fifty-seventh session that are relevant to the present agenda item:

(a) Resolutions

2001/1	Question of Western Sahara
2001/2	Situation in occupied Palestine
2001/6	Human rights in the occupied Syrian Golan
2001/7	Question of the violation of human rights in the occupied Arab territories, including Palestine
2001/8	Israeli settlements in the occupied Arab territories
2001/10	Human rights situation of the Lebanese detainees in Israel
2001/12	Situation of human rights in parts of south-eastern Europe
2001/13	Situation of human rights in Afghanistan
2001/14	Situation of human rights in Iraq
2001/15	Situation of human rights in Myanmar
2001/16	Situation of human rights in Cuba
2001/17	Situation of human rights in the Islamic Republic of Iran
2001/18	Situation of human rights in the Sudan
2001/19	Situation of human rights in the Democratic Republic of the Congo
2001/20	Situation of human rights in Sierra Leone
2001/21	Situation of human rights in Burundi
2001/22	Situation in Equatorial Guinea and assistance in the field of human rights
2001/23	Situation of human rights in Rwanda
2001/24	Situation in the Republic of Chechnya of the Russian Federation
2001/81	Assistance to Somalia in the field of human rights
2001/82	Situation of human rights in Cambodia

(b) Decision

2001/102 Question of human rights in Cyprus

(c) Chairperson's statements

Concerning the situation of human rights in Colombia

Concerning the situation of human rights in East Timor

Concerning technical cooperation and the situation of human rights in Haiti

Item 3. Administration of justice

Sessional working group on the administration of justice

33. At its fifty-second session, the Sub-Commission established a sessional working group on the administration of justice under agenda item 9 (decision 2000/102). The report of the working group was issued as document E/CN.4/Sub.2/2000/44. Should the Sub-Commission decide to establish such a sessional working group at the present session, its report will be issued as document E/CN.4/Sub.2/2001/7. (See also paras. 9-10 above.)

Question of human rights and states of emergency

34. At its thirty-fifth session, the Sub-Commission had before it the final report on the implications for human rights of states of siege or emergency (E/CN.4/Sub.2/1982/15) prepared by the Special Rapporteur, Ms. Nicole Questiaux.

35. At the Sub-Commission's request (resolutions 1983/30 and 1984/27), the Economic and Social Council, in its resolution 1985/37, authorized the Sub-Commission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30 for the purpose of (a) drawing up and updating annually a list of countries which proclaim or terminate a state of emergency; and (b) submitting an annual special report to the Commission containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency.

36. The Special Rapporteur, Mr. Leandro Despouy, presented to the Sub-Commission and to the Commission on Human Rights an explanatory paper (E/CN.4/Sub.2/1985/19) and his first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth reports and lists of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, including the revised and updated versions of those reports (E/CN.4/Sub.2/1987/19/Rev.1 and Add.1-2; E/CN.4/Sub.2/1988/18/Rev.1; E/CN.4/Sub.2/1989/30/Rev.2; E/CN.4/Sub.2/1991/28/Rev.1; E/CN.4/Sub.2/1992/23/Rev.1; E/CN.4/Sub.2/1993/23/Rev.1; E/CN.4/Sub.2/1994/23 and Corr.1 and Add.1; E/CN.4/Sub.2/1995/20 and Corr.1 and Add.1; E/CN.4/Sub.2/1996/19 and Corr.1 and Add.1; E/CN.4/Sub.2/1997/19 and Add.1). The Special Rapporteur also presented to the

Sub-Commission and to the Commission on Human Rights the draft guidelines for the development of legislation on states of emergency, which were contained in annex I to his fourth annual report (E/CN.4/Sub.2/1991/28/Rev.1).

37. At its fifty-fourth session, the Commission on Human Rights, in its decision 1998/108, noting Sub-Commission resolution 1997/27, decided to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session and every second year thereafter, a list of States in which a state of emergency had been proclaimed or was continued during the reporting period. At its fifty-first session, the Sub-Commission had before it a note by the Office of the High Commissioner for Human Rights (E/CN.4/Sub.2/1999/31).

38. At the present session, the Sub-Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/Sub.2/2001/6).

The death penalty in relation to juvenile offenders

39. In its resolution 2000/17, entitled "The death penalty in relation to juvenile offenders", the Sub-Commission decided to continue consideration of that matter at its fifty-third session. With regard to the draft decision on that subject recommended to the Commission on Human Rights for adoption, the attention of the Sub-Commission is drawn to Commission on Human Rights resolution 2001/68, entitled "The question of the death penalty", in which the Commission, inter alia, welcomed resolution 2000/17 of the Sub-Commission.

Question of enforced disappearances

40. In its resolution 1998/25, the Sub-Commission decided to transmit the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) to the Commission on Human Rights for its consideration.

41. At its fifty-second session, the Sub-Commission, in its resolution 2000/18, recommended that the Commission on Human Rights establish an inter-sessional working group to consider the draft international convention on the protection of all persons from enforced disappearance, and urged the Commission to continue to give priority consideration to the draft convention. The Sub-Commission decided to consider the question of the draft international convention on the protection of all persons from enforced disappearance at its fifty-third session.

42. At its fifty-seventh session, the Commission on Human Rights, in paragraph 11 of its resolution 2001/46, requested its Chairperson to appoint an independent expert to examine the existing international criminal and human rights framework for the protection of persons from enforced or involuntary disappearance, taking into account relevant legal instruments at the international and regional levels, intergovernmental arrangements on judicial cooperation, the draft international convention on the protection of all persons from enforced disappearance (E/CN.4/Sub.2/1998/19, annex) transmitted by the Sub-Commission in its resolution 1998/25, and also comments of States and intergovernmental and non-governmental organizations, with a view to identifying any gaps in order to ensure full protection from enforced or involuntary disappearance and to report to the Commission on Human Rights at its fifty-eighth session and to

the working group established under paragraph 12 at its first session. In paragraph 12 of its resolution 2001/46, the Commission decided to establish, at its fifty-eighth session, an inter-sessional open-ended working group of the Commission on Human Rights, with the mandate to elaborate, in the light of the findings of the independent expert, a draft legally binding normative instrument for the protection of all persons from enforced disappearance, taking into account, inter alia, the draft international convention on the protection of all persons from enforced disappearance transmitted by the Sub-Commission in its resolution 1998/25, for consideration and adoption by the General Assembly.

43. The Economic and Social Council, in its decision 2001/221 of 4 June 2001, endorsed the above decisions of the Commission on Human Rights.

Mass and flagrant violations of human rights which constitute crimes against humanity and which took place during the colonial period, wars of conquest and slavery

44. In its decision 2000/114, the Sub-Commission requested the Secretary-General to prepare a working document relating to the mass and flagrant violations of human rights which constitute crimes against humanity and which took place during the colonial period, wars of conquest and slavery, including means and proposals which could be adopted in order to provide reparation to the victims of those violations and to honour their memory.

45. At the present session, the Sub-Commission will have before it a note by the Secretary-General (E/CN.4/Sub.2/2001/8).

Other matters

46. In connection with this item, the attention of the Sub-Commission is also drawn to the following resolutions and a decision adopted by the Commission on Human Rights at its fifty-seventh session:

2001/39	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers
2001/40	Question of arbitrary detention
2001/44	Draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
2001/45	Extrajudicial, summary or arbitrary executions
2001/62	Torture and other cruel, inhuman or degrading treatment or punishment
2001/70	Impunity
2001/105	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

Item 4. Economic, social and cultural rights

The relationship between the enjoyment of economic, social and cultural rights and the right to development, and the working methods and activities of transnational corporations

47. At its forty-sixth session, the Sub-Commission, in its resolution 1994/37, requested the Secretary-General to prepare a background document examining the relationship between the enjoyment of human rights, in particular international labour and trade union rights, and the working methods and activities of transnational corporations.

48. At its forty-seventh session, the Sub-Commission, in its resolution 1995/31, endorsed the background document of the Secretary-General (E/CN.4/Sub.2/1995/11) and requested the Secretary-General to prepare a report on the impact of the activities and working methods of transnational corporations on the full enjoyment of all human rights, in particular economic, social and cultural rights and the right to development, bearing in mind existing international guidelines, rules and standards relating to the subject matter.

49. At its forty-eighth session, the Sub-Commission, in its resolution 1996/39, endorsed the report of the Secretary-General on the subject submitted in accordance with its resolution 1995/31 (E/CN.4/Sub.2/1996/12).

50. At its forty-ninth session, in its resolution 1997/11, the Sub-Commission decided to entrust Mr. El Hadji Guissé with the task of preparing a background document on the question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations, for submission to the Sub-Commission at its fiftieth session.

51. At its fiftieth session, the Sub-Commission had before it the background document prepared by Mr. Guissé (E/CN.4/Sub.2/1998/6). In its resolution 1998/8, the Sub-Commission decided to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, taking into account the principle of equitable geographical distribution, to examine the working methods and activities of transnational corporations, with the following mandate:

(a) To identify and examine the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as civil and political rights;

(b) To examine, receive and gather information, including any working paper submitted by a member of the Sub-Commission, on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights;

(c) To analyse the compatibility of the various international human rights instruments with the various investment agreements, regional as well as international, including, in particular, the Multilateral Agreement on Investment;

(d) To make recommendations and proposals relating to the methods of work and activities of transnational corporations in order to ensure that such methods and activities are in keeping with the economic and social objectives of the countries in which they operate, and to promote the enjoyment of economic, social and cultural rights and the right to development as well as of civil and political rights;

(e) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product and financial turnover, respectively;

(f) To consider the scope of the obligation of States to regulate the activities of transnational corporations, where their activities have or are likely to have a significant impact on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights, of all persons within their jurisdiction.

52. At its fifty-first and fifty-second sessions, the Sub-Commission had before it the reports of the sessional working group on the working methods and activities of transnational corporations on its first and second sessions (E/CN.4/Sub.2/1999/9 and E/CN.4/Sub.2/2000/12).

53. The report of the sessional working group to the fifty-third session of the Sub-Commission will be issued as document E/CN.4/Sub.2/2001/9. The Sub-Commission will also have before it a note by the secretariat (E/CN.4/Sub.2/2001/33).

Globalization and its impact on the full enjoyment of all human rights

54. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/59, requested the Sub-Commission to undertake a study, based on the reports of the treaty bodies, special rapporteurs, independent experts and working groups of the Commission on the issue of globalization and its impact on the full enjoyment of all human rights, for the consideration of the Commission at its fifty-seventh session.

55. At its fifty-first session, the Sub-Commission, in its resolution 1999/8, expressed its appreciation to Mr. J. Oloka-Onyango for his working paper on globalization in the context of increased incidents of racism, racial discrimination and xenophobia (E/CN.4/Sub.2/1999/8). The Sub-Commission also expressed its appreciation to Mr. Oloka-Onyango and Ms. Deepika Udagama for their working paper on human rights as the primary objective of international trade, investment and finance policy and practice (E/CN.4/Sub.2/1999/11). The Sub-Commission decided, in response to the request from the Commission, and since this subject required careful and comprehensive inquiry, to appoint Mr. Oloka-Onyango and Ms. Udagama as Special Rapporteurs with the task of preparing a study on the issue of globalization and its impact on the full enjoyment of all human rights, and requested the Special Rapporteurs to submit a preliminary report to the Sub-Commission at its fifty-second session.

56. At its fifty-sixth session, the Commission on Human Rights, in its decision 2000/102, endorsed the appointment of Mr. Oloka-Onyango and Ms. Udagama as Special Rapporteurs to undertake a study on the issue of globalization and its impact on the full enjoyment of all human rights.

57. At its fifty-second session, the Sub-Commission had before it the preliminary report prepared by the Special Rapporteurs, Mr. Oloka-Onyango and Ms. Udagama (E/CN.4/Sub.2/2000/13).

58. At its fifty-seventh session, the Commission on Human Rights, in its resolution 2001/32, took note of the preliminary report by the Special Rapporteurs (E/CN.4/Sub.2/2000/13) and encouraged them to take into account the contents of that resolution in finalizing their study on globalization and its impact on the full enjoyment of all human rights for consideration by the Commission at its fifty-ninth session.

59. At the present session, the Sub-Commission will have before it the progress report prepared by the Special Rapporteurs, Mr. Oloka-Onyango and Ms. Udagama (E/CN.4/Sub.2/2001/10).

The realization of the right to development

60. At its forty-eighth session, the Sub-Commission adopted resolution 1996/22, in which it, inter alia, requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006) and to provide him with the information thereon, and requested him to transmit annually to the Sub-Commission the information received. The Sub-Commission also decided to review annually the progress in international cooperation towards the implementation of the right to development in the context of human rights and the Decade.

61. At its fifty-first session, the Sub-Commission, in its resolution 1999/9, once again requested the Secretary-General to transmit annually to the Sub-Commission the information received from all relevant United Nations bodies and agencies.

62. At the present session, the Sub-Commission will have before it a report of the Secretary-General (E/CN.4/Sub.2/2001/11).

The Social Forum

63. At its fiftieth session, the Sub-Commission had before it the final report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, submitted by the Special Rapporteur, Mr. José Bengoa (E/CN.4/Sub.2/1997/9 and E/CN.4/Sub.2/1998/8). In its resolution 1998/14, the Sub-Commission endorsed the conclusions of the final report and especially the recommendation to establish a social forum within the Sub-Commission.

64. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/53, decided that the Sub-Commission should further review, in the light of the ongoing discussions by the Commission on its working methods, the establishment of a forum on economic, social and cultural rights, to be called the Social Forum.

65. At its fifty-first session, the Sub-Commission, in its resolution 1999/10, decided to hold a forum on economic, social and cultural rights, to be known as the Social Forum, for three days during the fifty-second session of the Sub-Commission. The Sub-Commission requested the Commission on Human Rights to endorse the holding of a Social Forum and to approve all secretariat facilities for the preparation and servicing of the event.

66. At its fifty-sixth session, the Commission on Human Rights, in its decision 2000/107, endorsed the holding of a Social Forum during the fifty-second session of the Sub-Commission and, recalling its resolution 1999/53, decided that the Sub-Commission should further review during its fifty-second session, in the light of the developments in the work of the Sub-Commission, its proposal to hold a forum on economic, social and cultural rights.

67. At its fifty-second session, the Sub-Commission, in its resolution 2000/6 entitled "The Social Forum", decided to hold in Geneva a pre-sessional or inter-sessional forum on economic, social and cultural rights, to be known as the Social Forum, for three days, with the participation of 10 members of the Sub-Commission, taking into consideration equitable geographical representation and expertise in the field. The Sub-Commission requested the Commission on Human Rights and the Economic and Social Council to endorse the holding of the Social Forum.

68. At its fifty-seventh session, the Commission on Human Rights, in its decision 2001/103, decided to authorize the Sub-Commission to hold a forum on economic, social and cultural rights, to be known as the Social Forum, with the participation of members of the Sub-Commission, during its fifty-third session, taking into consideration equitable geographical representation and expertise in the field.

Intellectual property rights and human rights

69. At its fifty-second session, the Sub-Commission, in its resolution 2000/7, requested the United Nations High Commissioner for Human Rights to undertake an analysis of the human rights impacts of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS). The Commission also requested the Secretary-General to submit a report on that question to the Sub-Commission at its fifty-third session.

70. At the present session, the Sub-Commission will have before it the report of the High Commissioner for Human Rights (E/CN.4/Sub.2/2001/13) and the report of the Secretary-General (E/CN.4/Sub.2/2001/12).

Promotion of the realization of the right to drinking water and sanitation

71. In its resolution 1997/18, the Sub-Commission decided to entrust to Mr. El Hadji Guissé the task of drafting a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services.

72. At its fiftieth session, the Sub-Commission had before it the working paper prepared by Mr. Guissé (E/CN.4/Sub.2/1998/7). In its resolution 1998/7, the Sub-Commission decided to appoint Mr. Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the

right to drinking water supply and sanitation, at both the national and international levels, taking also into account questions related to the realization of the right to development, in order to determine the most effective means to reinforce activities in that field.

73. At its fifty-fifth session, the Commission on Human Rights, in its decision 1999/108, noted that the issue of the right of individuals to drinking water supply and sanitation services remained undefined and therefore decided to request the Sub-Commission to give further consideration to that aspect in preparation for a study on the realization and promotion of that right.

74. At its fifty-first session, the Sub-Commission, in its decision 1999/107, decided to request Mr. Guissé to supplement his working paper, without financial implications, and to submit it to the Sub-Commission at its fifty-second session.

75. At its fifty-second session, the Sub-Commission had before it a note by the secretariat (E/CN.4/Sub.2/2000/16 and Corr.1) containing in the annex a supplement to the working paper (E/CN.4/Sub.2/1998/7) prepared by Mr. Guissé. In its resolution 2000/8, the Sub-Commission recommended to the Commission on Human Rights that it authorize the Sub-Commission to appoint Mr. El Hadji Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at both the national and international levels, taking also into account questions related to the realization of the right to development, in order to determine the most effective means of reinforcing activities in this field.

76. At its fifty-seventh session, the Commission on Human Rights, in its decision 2001/104, decided to request the Sub-Commission to review at its fifty-third session the terms of reference for the proposed study, and also to review the level of United Nations support requested for such a study.

Optional protocol to the International Covenant on Economic, Social and Cultural Rights

77. At its fifty-second session, the Sub-Commission, in its resolution 2000/9, bearing in mind its call for the elaboration of an optional protocol to the International Covenant on Economic, Social and Cultural Rights to consider communications from individuals made in its resolution 1996/13 of 23 August 1996, suggested that the Commission on Human Rights establish an open-ended working group entrusted with the further study of a draft optional protocol. The Sub-Commission requested the High Commissioner for Human Rights to organize an expert meeting on a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights and to submit the report of this meeting to it at its fifty-third session.

78. At its fifty-seventh session, the Commission on Human Rights, in its resolution 2001/30, decided to appoint an independent expert to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights in the light, inter alia, of the text contained in the annex to document E/CN.4/1997/105, the comments made in that regard by States, intergovernmental organizations and non-governmental organizations, as well as the

report of the workshop on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, and to submit a report to the Commission at its fifty-eighth session with a view to its consideration of possible follow-up and future actions, including the establishment of an open-ended working group of the Commission to examine the question of a draft optional protocol to the International Covenant on Economic, Social and Cultural Rights.

79. The Economic and Social Council, in its decision 2001/220 of 4 June 2001, endorsed the above decision of the Commission on Human Rights.

80. At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/2001/14) transmitting the report of the workshop organized on 5 and 6 February 2001 by the Office of the High Commissioner for Human Rights and the International Commission of Jurists on the justiciability of economic, social and cultural rights, with particular reference to the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights (E/CN.4/2001/62/Add.2).

Adverse consequences of economic sanctions

81. At its fifty-first session, the Sub-Commission, in its decision 1999/111, decided to request Mr. Marc Bossuyt to prepare a working paper on the adverse consequences of economic sanctions on human rights. At its fifty-second session, the Sub-Commission had before it the working paper prepared by Mr. Bossuyt (E/CN.4/Sub.2/2000/33).

82. In its resolution 2000/25, the Sub-Commission decided to transmit the working paper to the Commission on Human Rights and invited the Commission to give due attention to the issues dealt with in the working paper and to recommend appropriate measures to avoid adverse consequences for the enjoyment of human rights in the imposition and maintenance of economic sanctions. The Sub-Commission decided to continue its examination of sanctions regimes at its fifty-third session under the agenda item entitled "Economic, social and cultural rights".

Other matters

83. In discussing this item, the Sub-Commission may also wish to take into account the following requests made by the Commission on Human Rights at its fifty-seventh session.

84. In its resolution 2001/31, entitled "Human rights and extreme poverty", the Commission took note of the conclusions of the Expert Seminar on Human Rights and Extreme Poverty (E/CN.4/2001/54/Add.1 and Corr.1) organized by the High Commissioner in accordance with Commission on Human Rights resolution 2000/12 and requested the Sub-Commission to consider the need to develop, on the basis of the various relevant international texts, the ongoing work in other forums, the conclusions and recommendations of the Expert Seminar and any other relevant inputs, in particular those received from Governments, guiding principles on the implementation of existing human rights norms and standards in the context of the fight against extreme poverty and to report to the Commission on Human Rights at its fifty-ninth session. The Commission invited States, the United Nations specialized agencies, funds and programmes, the

relevant functional commissions of the Economic and Social Council, the regional economic commissions and the international financial institutions to submit their views on that subject to the Sub-Commission on the Promotion and Protection of Human Rights.

85. In its resolution 2001/34, entitled "Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing", the Commission encouraged all human rights treaty bodies, special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates, and to integrate the contents of that present resolution into their work, as appropriate.

86. With regard to the issues under this item, the attention of the Sub-Commission is also drawn to General Assembly resolutions 55/102, entitled "Globalization and its impact on the full enjoyment of all human rights"; 55/106, entitled "Human rights and extreme poverty"; and 55/108, entitled "The right to development".

87. The Sub-Commission may wish to note the following resolutions and decisions adopted by the Commission at its fifty-seventh session:

Resolutions

2001/9	The right to development
2001/25	The right to food
2001/26	Human rights and unilateral coercive measures
2001/27	Effects of structural adjustment policies and foreign debt on the full enjoyment of all human rights, particularly economic, social and cultural rights
2001/28	Adequate housing as a component of the right to an adequate standard of living
2001/29	The right to education
2001/30	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights
2001/31	Human rights and extreme poverty
2001/32	Globalization and its impact on the full enjoyment of all human rights

2001/33 Access to medication in the context of pandemics such as HIV/AIDS

2001/34 Women's equal ownership of, access to and control over land and the equal rights to own property and to adequate housing

2001/35 Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

Decisions

2001/103 The Social Forum

2001/104 Promotion of the realization of the right to drinking water and sanitation

Item 5. Prevention of discrimination and protection of indigenous peoples and minorities

88. At its forty-sixth session, in its resolution 1994/4, the Sub-Commission decided that, beginning at its forty-seventh session, its agenda would include annually an item concerning a comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers.

The concept and practice of affirmative action

89. In its decision 1997/118, the Sub-Commission decided to entrust Mr. Marc Bossuyt with the preparation of a working paper on the concept of affirmative action in order to enable it to take a decision at its fiftieth session on the feasibility of a study on that subject.

90. At its fiftieth session, the Sub-Commission had before it the working paper prepared by Mr. Bossuyt (E/CN.4/Sub.2/1998/5). In its resolution 1998/5, the Sub-Commission decided, since the subject required careful and comprehensive inquiry, to appoint Mr. Bossuyt as Special Rapporteur with the task of preparing a study on the concept and practice of affirmative action, and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-first session.

91. The Commission on Human Rights, in its decision 1999/107, decided to endorse the decision of the Sub-Commission to appoint Mr. Marc Bossuyt as Special Rapporteur to undertake a study on the concept and practice of affirmative action as described in resolution 1998/5, which would pay specific attention to the recommendations made by the Sub-Commission and the Commission so as to refine further the focus and methods of the study. The Special Rapporteur submitted his preliminary report to the Sub-Commission at its fifty-second session (E/CN.4/Sub.2/2000/11 and Corr.1).

92. At the present session, the Sub-Commission will have before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/2001/15).

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

93. At its fiftieth session, the Sub-Commission, in its resolution 1998/6, decided to request Mr. Paulo Sérgio Pinheiro to prepare a paper on proposals for the work of the World Conference.

94. At the first session of the Preparatory Committee for the World Conference, which was held at Geneva from 1 to 5 May 2000, Mr. Pinheiro introduced his working paper containing proposals for the work of the World Conference (A/CONF.189/PC.1/13/Add.1).

95. At its fifty-second session, the Sub-Commission, in its resolution 2000/3, having welcomed the work of its members thus far in preparation for the World Conference, requested the Sub-Commission experts who had prepared relevant studies, updated reviews and working papers to update and augment their respective work, to the extent possible, so that the working papers, preliminary studies, etc. could be used in the preparatory process, at the World Conference itself and in its follow-up. The Sub-Commission requested the Secretary-General to again provide for the participation of Mr. Pinheiro in the Preparatory Committee for the World Conference and at the World Conference as the representative of the Sub-Commission.

96. At the second session of the Preparatory Committee for the World Conference, which was held at Geneva from 21 May to 1 June 2001, Mr. Pinheiro introduced his working paper on further proposals for the work of the World Conference (A/CONF.189/PC.2/19/Add.1).

97. The working paper on discrimination against indigenous peoples submitted by Ms. Erica-Irene Daes in accordance with Sub-Commission resolution 1999/20 for consideration at the preparatory meetings for the World Conference, was subsequently issued as document E/CN.4/Sub.2/2001/2.

98. At its fifty-seventh session, the Commission on Human Rights, in its resolution 2001/5, invited United Nations bodies and mechanisms dealing with the question of racism, racial discrimination, xenophobia and related intolerance, the Committee on the Elimination of Racial Discrimination, the Sub-Commission and the special rapporteurs concerned to participate actively in the preparatory process with a view to ensuring the success of the World Conference and to coordinate their activities in this regard with the assistance of the High Commissioner.

99. In its decision 2001/110, the Commission on Human Rights, having taken note of resolution 2000/14 of the Sub-Commission and of paragraph 216 of the report of the Working Group on Indigenous Populations on its eighteenth session (E/CN.4/Sub.2/2000/24), decided to recommend that the Economic and Social Council authorize the former Chairperson-Rapporteur of the Working Group, Ms. Erica-Irene Daes, to continue to participate in all meetings in preparation for the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and in the World Conference itself, and to authorize the Chairperson-Rapporteur of the eighteenth session of the Working Group, Mr. Miguel Alfonso Martínez, to participate in the World Conference.

The rights of non-citizens

100. At its fiftieth session, the Sub-Commission, in its decision 1998/103, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study on the rights of non-citizens (see E/CN.4/Sub.2/1997/31, annex), decided to entrust Mr. David Weissbrodt with the preparation of a working paper on the rights of persons who are not citizens of the country in which they live.

101. At its fifty-first session, the Sub-Commission had before it the working paper prepared by Mr. Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1). In its resolution 1999/7, the Sub-Commission endorsed the conclusions contained in the working paper, including with regard to the importance of undertaking an updated study on the rights of non-citizens. The Sub-Commission recommended that the Commission and the Economic and Social Council authorize it to appoint one of its members as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens. This recommendation was endorsed by the Commission on Human Rights (decision 2000/104) and approved by the Economic and Social Council in its decision 2000/283.

102. At its fifty-second session, the Sub-Commission, in its decision 2000/103, decided to appoint Mr. David Weissbrodt as Special Rapporteur with the task of preparing a comprehensive study of the rights of non-citizens and requested him to submit a preliminary report to the Sub-Commission at its fifty-third session, a progress report at its fifty-fourth session and a final report at its fifty-fifth session. In its resolution 2000/20, entitled "The right to seek and enjoy asylum", the Sub-Commission requested the Special Rapporteur on the rights of non-citizens, in consultation with the Offices of the United Nations High Commissioner for Refugees and the United Nations High Commissioner for Human Rights, to continue the examination of the rights of non-citizens, with special attention to the situation of asylum-seekers and refugees, and to make practical recommendations for the further work of the Sub-Commission on this matter.

103. At the present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/2001/20 and Add.1).

Discrimination based on work and descent

104. At its fifty-second session, the Sub-Commission, in its resolution 2000/4, decided to entrust Mr. Rajendra Kalidas Wimala Goonesekere with the task of preparing, without financial implications, a working paper on the topic of discrimination based on work and descent, in order:

(a) To identify communities in which discrimination based on work and descent continues to be experienced in practice;

(b) To examine existing constitutional, legislative and administrative measures for the abolition of such discrimination; and

(c) To make any further concrete recommendations and proposals for the effective elimination of such discrimination as may be appropriate in the light of such examination.

105. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Goonesekere (E/CN.4/Sub.2/2001/16).

Working Group on Indigenous Populations

106. In its resolution 1982/34, the Economic and Social Council authorized the Sub-Commission to establish annually a working group to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

107. The Working Group on Indigenous Populations held 18 sessions prior to 2001. It submitted detailed reports (E/CN.4/Sub.2/1982/33, E/CN.4/Sub.2/1983/22, E/CN.4/Sub.2/1984/20, E/CN.4/Sub.2/1985/22 and Add.1, E/CN.4/Sub.2/1987/22 and Add.1, E/CN.4/Sub.2/1988/24 and Add.1-2, E/CN.4/Sub.2/1989/36, E/CN.4/Sub.2/1990/42, E/CN.4/Sub.2/1991/40 and Rev.1, E/CN.4/Sub.2/1992/33, E/CN.4/Sub.2/1993/29 and Add.1-2, E/CN.4/Sub.2/1994/30, E/CN.4/Sub.2/1995/24, E/CN.4/Sub.2/1996/21 and Corr.1, E/CN.4/Sub.2/1997/14, E/CN.4/Sub.2/1998/16, E/CN.4/Sub.2/1999/19, E/CN.4/Sub.2/2000/24) to the Sub-Commission. These reports were also made available to the Commission.

108. At its fifty-second session, the Sub-Commission, in its resolution 2000/14, requested the Commission on Human Rights to request the Economic and Social Council to authorize the Working Group to meet for five working days prior to the fifty-third session of the Sub-Commission. The Commission on Human Rights, in its resolution 2001/59, endorsed the request of the Sub-Commission. (See also para. 97 above.)

109. At the present session, the Sub-Commission will have before it the report of the Working Group on its nineteenth session (E/CN.4/Sub.2/2001/17), scheduled to be held from 23 to 27 July 2001.

110. Also in its resolution 2000/14, the Sub-Commission requested the Commission on Human Rights to consider the usefulness of appointing a special rapporteur on indigenous issues to request and receive information from Governments, indigenous peoples and intergovernmental and non-governmental organizations relating to the recognition, promotion and protection of the human rights of indigenous peoples.

111. At its fifty-seventh session, the Commission on Human Rights, in its resolution 2001/57, decided to appoint, for a three-year period, a special rapporteur on the situation of human rights and fundamental freedoms of indigenous people, with the following functions:

(a) To gather, request, receive and exchange information and communications from all relevant sources, including Governments, indigenous people themselves and their communities and organizations, on violations of their human rights and fundamental freedoms;

(b) To formulate recommendations and proposals on appropriate measures and activities to prevent and remedy violations of the human rights and fundamental freedoms of indigenous people;

(c) To work in close relation with other special rapporteurs, special representatives, working groups and independent experts of the Commission on Human Rights and of the Sub-Commission on the Promotion and Protection of Human Rights.

The Commission invited the special rapporteur to take into account a gender perspective, paying special attention to discrimination against indigenous women, and to pay special attention to violations of the human rights and fundamental freedoms of indigenous children. The special rapporteur was further invited to take into account all the recommendations of the Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and of the Permanent Forum on Indigenous Issues relevant to her/his mandate.

International Decade of the World's Indigenous People

112. The General Assembly, in its resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994. In its resolution 49/214, the General Assembly decided that the International Day of Indigenous People should be observed on 9 August every year during the Decade. In its resolution 50/157, the Assembly adopted the programme of activities for the Decade contained in the annex to that resolution. In its resolution 52/108, the Assembly decided to appoint the High Commissioner for Human Rights as coordinator for the Decade.

113. At its fifty-second session, in its resolution 2000/15, the Sub-Commission recommended that the Coordinator for the Decade hold, preferably before the end of 2000, a special fund-raising meeting with the permanent missions in Geneva of interested States and the members of the Advisory Group for the Voluntary Fund for the Decade to encourage financial contributions to the Voluntary Fund for the Decade and the United Nations Voluntary Fund for Indigenous Populations, as well as the appointment of qualified staff, including indigenous persons, from within the regular budget of the United Nations, to assist with the work of the Office of the High Commissioner for Human Rights relating to the indigenous programme, and submit to the Sub-Commission at its fifty-third session and its Working Group on Indigenous Populations at its nineteenth session a report on the results of initiatives taken to those effects. In the resolution, the Sub-Commission further recommended that the High Commissioner take the necessary action in order to promote the establishment, within the Office of Legal Affairs of the

Secretariat, of a database on national legislation on matters of relevance to indigenous peoples, as well as a compilation of treaties and agreements between States and indigenous peoples, as well as to establish, in coordination with the Department of Public Information, a global public awareness programme with respect to indigenous issues.

114. At the present session, the Sub-Commission will have before it two notes by the secretariat (E/CN.4/Sub.2/2001/18 and E/CN.4/Sub.2/2001/19).

115. Also in its resolution 2000/15, the Sub-Commission invited the Commission on Human Rights to recommend that the Economic and Social Council authorize the convening of an international conference on indigenous issues during the last year of the International Decade of the World's Indigenous People (2003) with a view to evaluating the Decade and considering future national and international policies and programmes which may contribute to effective action by States in order to promote better relations between the indigenous and non-indigenous segments of their population. The Commission on Human Rights, in its resolution 2001/59, took note of the decision of the Sub-Commission proposing an international conference to evaluate the International Decade of the World's Indigenous People and suggested that that proposal be considered in the context of the review by the Economic and Social Council, without prejudging any outcome, of all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues including the Working Group on Indigenous Populations, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness, that will take place once the Permanent Forum on Indigenous Issues has been established and has held its first annual session.

Indigenous peoples and their relationship to land

116. At its forty-eighth session, the Sub-Commission, in its resolution 1996/38, recommended that the Commission on Human Rights authorize the Sub-Commission to appoint Ms. Erica-Irene A. Daes as Special Rapporteur to conduct a comprehensive study on the problem of recognition of and respect for indigenous land rights, which would, inter alia, provide: (a) a detailed and updated account of the status of efforts to secure indigenous land rights and of the problems that continue to exist in this regard; and (b) a catalogue of existing national laws, policies and procedures concerning indigenous land rights. The Commission on Human Rights, in its decision 1997/114, approved the appointment of Ms. Daes as Special Rapporteur to prepare a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard.

117. At its forty-ninth, fiftieth, fifty-first and fifty-second sessions, the Sub-Commission had before it, respectively, the preliminary working paper (E/CN.4/Sub.2/1997/17), a progress report on the working paper (E/CN.4/Sub.2/1998/15), the second progress report on the working paper (E/CN.4/Sub.2/1999/18) and the final working paper (E/CN.4/Sub.2/2000/25) prepared by Ms. Daes.

118. In its decision 2000/108, the Sub-Commission decided to request the Special Rapporteur to update her final working paper on indigenous peoples and their relationship to land, on the basis of the comments made in the Sub-Commission during its fifty-second session and the

replies received from Governments and other reliable sources subsequent to the submission of the final working paper, and to submit her updated final working paper to the Sub-Commission at its fifty-third session.

119. At the present session, the Sub-Commission will have before it the updated final working paper prepared by Ms. Daes (E/CN.4/Sub.2/2001/21).

Protection of the heritage of indigenous people

120. By Commission decision 1992/114 and Economic and Social Council decision 1992/256, Ms. Erica-Irene A. Daes was appointed Special Rapporteur to prepare a study on measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples. In its decision 1994/274, the Economic and Social Council approved the new title of the study: "Protection of the heritage of indigenous people".

121. At its forty-seventh and forty-eighth sessions, the Sub-Commission had before it, respectively, the final report (E/CN.4/Sub.2/1995/26) and the supplementary report (E/CN.4/Sub.2/1996/22) prepared by the Special Rapporteur. Pursuant to Commission decision 1997/112, approved by Council decision 1997/287, Ms. Daes was entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in those efforts.

122. Pursuant to Sub-Commission resolution 1997/13, a seminar on the draft principles and guidelines for the protection of the heritage of indigenous people was held in Geneva from 28 February to 1 March 2000. The report of the seminar was issued as document E/CN.4/Sub.2/2000/26. In its decision 2000/107, the Sub-Commission decided to transmit the revised draft principles and guidelines annexed to the report of the seminar to the Commission on Human Rights for its action.

Permanent Forum on Indigenous Issues

123. In its resolution 2000/87, the Commission on Human Rights recommended to the Economic and Social Council for adoption a draft resolution providing for the establishment, as a subsidiary body of the Council, of a permanent forum on indigenous issues, which shall serve as an advisory body to the Council with a mandate to discuss indigenous issues within the mandate of the Council relating to economic and social development, culture, the environment, education, health and human rights. The Economic and Social Council approved the draft resolution, which became Council resolution 2000/22. The resolution, inter alia, provides that, once the Permanent Forum had been established and had held its first annual session, the Council would review, without prejudging any outcome, all existing mechanisms, procedures and programmes within the United Nations concerning indigenous issues, including the Working Group on Indigenous Populations, with a view to rationalizing activities, avoiding duplication and overlap and promoting effectiveness.

Working group of the Commission on Human Rights to elaborate a draft declaration on the rights of indigenous peoples

124. In its resolution 1995/32, the Commission decided to establish an open-ended inter-sessional working group of the Commission with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to Sub-Commission resolution 1994/45, entitled "Draft United Nations declaration on the rights of indigenous peoples". The sixth session of the working group was held from 20 November to 1 December 2000. Its report is contained in document E/CN.4/2001/85. In its resolution 2001/58, the Commission recommended that the working group meet for 10 working days and requested it to submit a progress report for consideration by the Commission at its fifty-eighth session.

United Nations Voluntary Fund for Indigenous Populations

125. As recommended by the Sub-Commission in its resolution 1984/35 C, the Commission in its resolution 1985/29 and the Economic and Social Council in its resolution 1985/38, the General Assembly, in resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other public or private entities. The General Assembly, in its resolution 50/156, decided that the Voluntary Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional working group of the Commission on Human Rights established by the Commission in its resolution 1995/32. In its resolution 53/130, the General Assembly decided that the Voluntary Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional ad hoc working group of the Commission on Human Rights established by the Commission in its resolution 1998/20 to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people within the United Nations system. The Voluntary Fund is administered by the Secretary-General with the advice of a five-member Board of Trustees. The Board of Trustees held its fourteenth session from 28 to 30 March 2001 in Geneva.

Working Group on Minorities

126. The General Assembly adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities in its resolution 47/135. In the same resolution, the General Assembly invited the relevant organs and bodies of the United Nations, including treaty bodies and representatives of the Commission and the Sub-Commission, to give due regard to the Declaration within their mandates.

127. As recommended by the Sub-Commission in its resolution 1994/4, the Commission, in its resolution 1995/24, decided to authorize the Sub-Commission to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet

each year for five working days in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, and in particular to:

(a) Review the promotion and practical realization of the Declaration;

(b) Examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) Recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

128. The Working Group on Minorities held six sessions prior to 2001. It submitted detailed reports (E/CN.4/Sub.2/1996/2, E/CN.4/Sub.2/1996/28, E/CN.4/Sub.2/1997/18, E/CN.4/Sub.2/1998/18, E/CN.4/Sub.2/1999/21 and E/CN.4/Sub.2/2000/27) to the Sub-Commission. These reports were also made available to the Commission on Human Rights.

129. As recommended by the Sub-Commission in its resolution 1997/23, the Commission on Human Rights, in its resolution 1998/19, decided to extend the mandate of the Working Group on Minorities with a view to its holding one session of five working days annually.

130. At its fifty-second session, the Sub-Commission, in its resolution 2000/16, endorsed the conclusions and recommendations of the Working Group on Minorities at its sixth session as contained in its report (E/CN.4/Sub.2/2000/27).

131. At the present session, the Sub-Commission will have before it the report of the Working Group on its seventh session (E/CN.4/Sub.2/2001/22), which was held from 14 to 18 May 2001.

The human rights problems and protections of the Roma

132. At its fifty-first session, the Sub-Commission, in its decision 1999/109, decided to entrust Mr. Sik Yuen with the task of preparing a working paper, without financial implications, on the human rights problems and protections of the Roma, for submission to the Working Group on Minorities at its sixth session and to the Sub-Commission at its fifty-second session, in order to enable the Sub-Commission to take a decision at that session on the feasibility of a study on the subject.

133. At its fifty-second session, the Sub-Commission had before it the working paper prepared by Mr. Sik Yuen (E/CN.4/Sub.2/2000/28). In its decision 2000/109, the Sub-Commission decided to endorse the conclusions contained in the working paper, including with regard to the importance of undertaking an updated study on the human rights problems and protections of the Roma, and submitted to the Commission on Human Rights for adoption a draft decision recommending that the Economic and Social Council authorize the Sub-Commission to appoint Mr. Y.K.J. Yeung Sik Yuen as Special Rapporteur with the task of preparing a comprehensive study on the human rights problems and protections of the Roma based on his working paper, as well as on the comments made and the discussions that took place at the fifty-second session of

the Sub-Commission and at the fifty-seventh session of the Commission on Human Rights, and of submitting a preliminary report to the Sub-Commission at its fifty-fourth session, a progress report at its fifty-fifth session, and a final report at its fifty-sixth session.

134. At its fifty-seventh session, the Commission on Human Rights took no action on the above draft decision. In seventh preambular paragraph of its resolution 2001/55, the Commission took note of Sub-Commission decision 2000/109.

Other matters

135. With regard to the issues under this item, the attention of the Sub-Commission is drawn to General Assembly resolutions 55/80, entitled "International Decade of the World's Indigenous People"; 55/81, entitled "International Convention on the Elimination of All Forms of Racial Discrimination"; 55/82, entitled "Measures to be taken against political platforms and activities based on doctrines of superiority which are based on racial discrimination or ethnic exclusiveness and xenophobia, including, in particular, neo-Nazism"; 55/83, entitled "Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance"; and 55/84, entitled "Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance".

136. The attention of the Sub-Commission is also drawn to the following resolutions and decisions adopted by the Commission at its fifty-seventh session:

Resolutions

2001/4	Combating defamation of religions as a means to promote human rights, social harmony and religious and cultural diversity
2001/5	Racism, racial discrimination, xenophobia and related intolerance
2001/52	Human rights of migrants
2001/53	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
2001/55	Rights of persons belonging to national or ethnic, religious and linguistic minorities
2001/56	Protection of migrants and their families
2001/57	Human rights and indigenous issues
2001/58	Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of the General Assembly resolution 49/214 of 23 December 1994

2001/59 Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights and the International Decade of the World's Indigenous People

Decision

2001/110 Working Group on Indigenous Populations of the Sub-Commission on the Promotion and Protection of Human Rights

Item 6. Other issues

137. Pursuant to its resolution 5 (XIV), the Sub-Commission, at the present session, will have before it a note by the Secretary-General containing a review of developments between 1 June 2000 and 1 June 2001 in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/2001/23).

138. The Sub-Commission has also discussed at its sessions recent activities of the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) relating to matters dealt with by the Sub-Commission. The reports of ILO and UNESCO on their activities, once received, will be made available in documents E/CN.4/Sub.2/2001/24 and E/CN.4/Sub.2/2001/25 respectively.

Traditional practices affecting the health of women and the girl child

139. The Sub-Commission, in its resolution 1983/1, made recommendations concerning a study relating to traditional practices affecting the health of women and children. Consequently, the Economic and Social Council endorsed, in its resolution 1984/34, the request of the Commission on Human Rights that a working group of experts should undertake such a study. The Commission, at its forty-second session, had before it the report of the Working Group (E/CN.4/1986/42).

140. The Sub-Commission at its fortieth session, in resolution 1988/34, requested Ms. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children. The Special Rapporteur subsequently submitted to the Sub-Commission, at its forty-first and forty-third sessions, her preliminary and final reports contained, respectively, in documents E/CN.4/Sub.2/1989/42 and Add.1 and E/CN.4/Sub.2/1991/6.

141. At its forty-third session, the Sub-Commission also had before it the report of the regional seminar on that subject held in Burkina Faso from 29 April to 3 May 1991 (E/CN.4/Sub.2/1991/48).

142. At its forty-sixth session the Sub-Commission, in its resolution 1994/30, having taken note of the report of the regional seminar held in Sri Lanka from 4 to 8 July 1994 (E/CN.4/Sub.2/1994/10 and Corr.1), adopted the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

143. The Commission on Human Rights, at its fifty-first session, in its decision 1995/112, endorsed the recommendation contained in Sub-Commission resolution 1994/30, to extend the mandate of the Special Rapporteur for two more years. At its forty-seventh and forty-eighth sessions, the Sub-Commission had before it, respectively, the preliminary report (E/CN.4/Sub.2/1995/6) and the final report (E/CN.4/Sub.2/1996/6) of the Special Rapporteur.

144. In its resolution 1996/19, the Sub-Commission decided to extend the mandate of the Special Rapporteur for a further two years. This decision was endorsed by the Commission on Human Rights in its decision 1997/108. At its forty-ninth and fiftieth sessions, the Sub-Commission had before it, respectively, the progress report (E/CN.4/Sub.2/1997/10 and Add.1) and the second report prepared by the Special Rapporteur (E/CN.4/Sub.2/1998/11). In its resolution 1998/16, the Sub-Commission recommended that the mandate of the Special Rapporteur be again extended.

145. At its fifty-first session and fifty-second sessions , the Sub-Commission had before it, respectively, the third (E/CN.4/Sub.2/1999/14) and the fourth (E/CN.4/Sub.2/2000/17) reports of the Special Rapporteur. In its resolution 2000/10, the Sub-Commission decided to extend the mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, for two more years and to request her to submit updated reports to the Sub-Commission at its fifty-third and fifty-fourth sessions. This decision was endorsed by the Commission on Human Rights in its decision 2001/107.

146. At the present session, the Sub-Commission will have before it the updated report of the Special Rapporteur (E/CN.4/Sub.2/2001/27).

Situation of women and girls in the territories controlled by Afghan armed groups

147. At its fifty-second session, the Sub-Commission, in its resolution 2000/11, having taken note of the report of the Secretary-General (E/CN.4/Sub.2/2000/18), requested the Secretary-General to continue to make available all the information that could be compiled on this question and decided to continue consideration of the question at its fifty-third session.

148. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/2001/28).

Other matters

149. In its resolution 1987/26, the Sub-Commission requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

150. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

151. At its forty-seventh session, in its resolution 1995/26 the Sub-Commission decided to consider the human rights of women and the girl child under every item of its agenda, as well as in all relevant studies undertaken by the Sub-Commission.

152. At its forty-ninth session, in resolution 1997/9, the Sub-Commission requested that, where appropriate, future studies submitted to it include gender-disaggregated statistics and discuss ways in which gender affects the various forms of abuse to which women are subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection, and gender-specific recommendations to remedy these violations.

153. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2001/50, requested all special procedures and other human rights mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights regularly and systematically to take a gender perspective into account in the implementation of their mandates and to include in their reports information on and qualitative analysis of human rights of women and girls, and encouraged the strengthening of cooperation and coordination in that regard. The Commission urged the use of gender-inclusive language in the formulation, interpretation and application of human rights instruments, as well as in reports, resolutions and/or decisions of the Commission, the Sub-Commission and the various human rights mechanisms. (See also para. 85 above.)

154. In discussing this issue, the Sub-Commission may also wish to take into account the following resolutions adopted by the General Assembly at its fifty-fifth session: 55/66, entitled "Working towards the elimination of crimes against women committed in the name of honour"; 55/67, entitled "Traffic in women and girls"; 55/68, entitled "Elimination of all forms of violence against women, including crimes identified in the outcome document of the twenty-third special session of the General Assembly entitled 'Women 2000: gender equality, development and peace for the twenty-first century'"; 55/70, entitled "Convention on the Elimination of All Forms of Discrimination against Women"; 55/71, entitled "Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome document of the twenty-third special session of the General Assembly".

155. The attention of the Sub-Commission is also drawn to the following resolutions adopted by the Commission on Human Rights at its fifty-seventh session:

2001/48	Traffic in women and girls
2001/49	Elimination of violence against women
2001/50	Integrating the human rights of women throughout the United Nations system

Working Group on Contemporary Forms of Slavery

156. In its resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism.

157. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decision 16 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery in its resolution 11 (XXVII) of 21 August 1974. In its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery should be changed to "Working Group on Contemporary Forms of Slavery".

158. Pursuant to decision 2000/284 of the Economic and Social Council, the duration of the annual meeting of the Working Group on Contemporary Forms of Slavery has been reduced to five working days from the previous eight days.

159. At its fifty-second session, in its resolution 2000/19 on the report of the Working Group on Contemporary Forms of Slavery, the Sub-Commission requested the Secretary-General to invite all States to inform the Working Group of measures adopted to implement the Programme of Action for the Prevention of the sale of children, child prostitution and child pornography, the Stockholm Declaration on Commercial Sexual Exploitation of Children and the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and other related developments, and report thereon to the Sub-Commission and the Commission on Human Rights at their next sessions.

160. In its resolution 2000/19, the Sub-Commission also recommended to the Commission on Human Rights and to the Economic and Social Council for adoption a draft decision proposing that the updated report on slavery submitted to the Sub-Commission as documents E/CN.4/Sub.2/2000/3 and Add.1 should be compiled, without financial implications, into a single report, printed in all official languages and given the widest possible distribution. The decision was approved by the Commission on Human Rights in its decision 2001/109.

161. At the present session, the Sub-Commission will have before it the report of the Secretary-General on the implementation of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (E/CN.4/Sub.2/2001/4). The Sub-Commission will also have before it the report of the Working Group on Contemporary Forms of Slavery on its twenty-sixth session (E/CN.4.Sub.2/2001/30), held from 11 to 15 June 2001.

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

162. In its resolution 46/122, the General Assembly decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairman of the Sub-Commission and with due regard to equitable geographical distribution.

163. At its fifty-second session, the Sub-Commission, in its resolution 2000/12, inter alia, noted with satisfaction the participation of a growing number of representatives of non-governmental organizations financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery; urged all Governments, non-governmental organizations, other private and public entities and individuals to contribute annually to the Fund in order to enable the Fund to fulfil its mandate effectively; and decided to continue to examine the situation and the activities of the Trust Fund at its fifty-third session.

Systematic rape, sexual slavery and slavery-like practices

164. At its forty-seventh session, the Sub-Commission had before it the working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal conflict, prepared by Ms. Linda Chavez pursuant to Sub-Commission decision 1994/109 (E/CN.4/Sub.2/1995/38).

165. In its decision 1996/107, the Commission on Human Rights endorsed the decision of the Sub-Commission (resolution 1995/14) to appoint Ms. Linda Chavez as Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict. At its forty-eighth session, the Sub-Commission had before it the preliminary report of Ms. Chavez (E/CN.4/Sub.2/1996/26).

166. Following the resignation of Ms. Chavez as Special Rapporteur, the Sub-Commission, in its decision 1997/114, decided to entrust Ms. Gay J. McDougall with the task of completing the study for submission to the Sub-Commission at its fiftieth session.

167. At its fiftieth session, the Sub-Commission had before it the final report on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict prepared by Ms. McDougall (E/CN.4/Sub.2/1998/13). In its resolution 1998/18, the Sub-Commission decided to extend the mandate of Ms. McDougall, as Special Rapporteur, for a

further year in order to enable her to submit an update on recent developments with respect to her mandate to the Sub-Commission at its fifty-first session. In its decision 1999/105, the Commission on Human Rights approved the decision of the Sub-Commission.

168. At its fifty-second session, the Sub-Commission had before it the update to the final report submitted by the Special Rapporteur (E/CN.4/Sub.2/2000/21). In its resolution 2000/13, the Sub-Commission called upon the High Commissioner for Human Rights to monitor the implementation of that resolution as well as its resolution 1999/16 and to submit a report to the Sub-Commission at its fifty-third session on the issue of systematic rape, sexual slavery and slavery-like practices in situations of ongoing conflict, including information on the status and implementation of the recommendations made by the Special Rapporteur in her report on systematic rape, sexual slavery and slavery-like practices during armed conflicts and the update thereto. The Sub-Commission recommended to the Commission for adoption a draft decision recommending that the Economic and Social Council request the Secretary-General to publish, in all official languages, the report and updated report of the Special Rapporteur of the Sub-Commission on systematic rape, sexual slavery and slavery-like practices during armed conflicts, including internal armed conflict (E/CN.4/Sub.2/1998/13 and E/CN.4/Sub.2/2000/21), and to transmit them to Governments, competent bodies of the United Nations, specialized agencies, regional intergovernmental organizations, the established international tribunals and to the Assembly of States Parties of the International Criminal Court, in order to ensure that it receives wide distribution. The Commission on Human Rights, in its decision 2001/108, approved the request of the Sub-Commission.

169. At the present session, the Sub-Commission will have before it the report of the High Commissioner (E/CN.4/Sub.2/2001/29).

The right to seek and enjoy asylum

170. In its resolution 2000/20, the Sub-Commission decided to consider the issue of the right to seek asylum and the treatment of refugees and asylum-seekers and to determine how most effectively to continue its consideration of these issues at its fifty-third session. (See also para. 102 above.)

Detention of asylum-seekers

171. In its resolution 2000/21, the Sub-Commission decided to consider the question of the detention of asylum-seekers at its fifty-third session.

Smuggling and trafficking in persons and the protection of their human rights

172. In its decision 2000/110, the Sub-Commission decided to include in the provisional agenda for its fifty-third session a sub-item entitled "Smuggling and trafficking in persons and the protection of their human rights". (See also para. 3 above.) The Sub-Commission also decided to request the Secretary-General to submit a relevant note on that subject to it at its fifty-third session.

173. At the present session, the Sub-Commission will have before it a note by the Secretary-General (E/CN.4/Sub.2/2001/26).

The right of return of displaced persons

174. In its decision 2000/113, the Sub-Commission decided to adjourn the debate on draft resolution E/CN.4/Sub.2/2000/L.28, entitled "The right of return of displaced persons", until its fifty-third session.

Promotion of dialogue on human rights issues

175. In its resolution 2000/22, the Sub-Commission decided to continue its consideration of the question and to include in the provisional agenda of its fifty-third session a sub-item entitled "Promotion of dialogue on human rights issues". (See also para. 3 above.)

Observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to the International Covenants on Human Rights

176. At its fiftieth session, the Sub-Commission, in its decision 1998/115, requested Mr. Vladimir Kartashkin to prepare a working paper on ways in which the Sub-Commission could examine the observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which were not parties to United Nations human rights conventions and to submit it to the Sub-Commission at its fifty-first session.

177. At its fifty-first session, the Sub-Commission had before it the working paper prepared by Mr. Kartashkin (E/CN.4/Sub.2/1999/29). In its resolution 1999/28, the Sub-Commission requested Mr. Kartashkin to continue his work on the subject and to submit an additional working paper to the Sub-Commission at its fifty-second session.

178. At its fifty-second session, the Sub-Commission had before it the working paper prepared by Mr. Kartashkin (E/CN.4/Sub.2/2000/2). In its resolution 2000/23, the Sub-Commission requested the High Commissioner for Human Rights to convene, with the participation of the members of the Sub-Commission, immediately before the fifty-third session of the Sub-Commission or as soon as possible, a seminar of States that are not parties to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights with a view to examining comprehensively obstacles to ratification of the Covenants and to looking for ways of surmounting them. The Sub-Commission also requested the Office of the High Commissioner for Human Rights, with a view to preparing for and holding this seminar, to seek the views of the States concerned and interested non-governmental organizations, and to gather all available information about existing obstacles to effective enjoyment of the human rights and fundamental freedoms embodied in the Universal Declaration of Human Rights and about obstacles to ratification of the Covenants and the measures being taken by States to remove them.

179. The Commission on Human Rights, in its decision 2001/114, decided that the Sub-Commission should reconsider its request in the light of the developments in its work.

Reservations to human rights treaties

180. At its fiftieth session, the Sub-Commission, in its decision 1998/113, decided to request Ms. Françoise Jane Hampson to prepare a working paper on the question of reservations to human rights treaties, including an examination of the number and scope of such reservations, their impact on the scope of the obligation accepted by States, reservations to the procedural provisions of human rights treaties, including opting-out clauses, and the role and responsibility of monitoring bodies in relation to reservations to human rights treaties.

181. At its fifty-first session, the Sub-Commission had before it the working paper prepared by Ms. Hampson (E/CN.4/Sub.2/1999/28 and Corr.1). In its resolution 1999/27, the Sub-Commission took note of the working paper and endorsed the conclusions contained therein, including with regard to the importance of undertaking a full study on the issue of reservations to human rights treaties. The Sub-Commission decided to appoint Ms. Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first session of the Sub-Commission.

182. The Commission on Human Rights, in its decision 2000/108, decided to request the Sub-Commission to request Ms. Hampson to submit to the Sub-Commission at its fifty-second session revised terms of reference for her proposed study on reservations to human rights treaties further clarifying how this study would complement work already under way on reservations to human rights treaties, in particular by the International Law Commission.

183. At its fifty-second session, the Sub-Commission, in its resolution 2000/26, decided to appoint Ms. Françoise Hampson as Special Rapporteur with the task of preparing a comprehensive study on reservations to human rights treaties based on her working paper, as well as the comments made and discussions that took place at the fifty-first and fifty-second sessions of the Sub-Commission, which study will not duplicate the work of the International Law Commission, which concerns the legal regime applicable to reservations and interpretative declarations in general, whereas the proposed study involves the examination of the actual reservations and interpretative declarations made to human rights treaties in the light of the legal regime applicable to reservations and interpretative declarations, as set out in the working paper, and of submitting a preliminary report to the Sub-Commission at its fifty-third session, a progress report at its fifty-fourth session and a final report at its fifty-fifth session. The Sub-Commission requested the Special Rapporteur to seek the advice and cooperation of the Special Rapporteur of the International Law Commission and of all relevant treaty bodies and, to that end, requested the authorization of a meeting between the Special Rapporteur of the Sub-Commission, the Special Rapporteur of the International Law Commission and the Chairpersons of the relevant treaty bodies or their nominees, when both the International Law Commission and the Sub-Commission are in session. The Sub-Commission decided to continue its consideration of the question of reservations to human rights treaties at its fifty-third session.

184. In its decision 2001/113, the Commission on Human Rights requested the Sub-Commission to reconsider its request in the light of the work under way by the International Law Commission.

Continuing obligations under international human rights instruments

185. In its resolution 2000/27, the Sub-Commission, having reaffirmed its resolution 1999/5, decided to recommend that the Commission on Human Rights consider the implications of withdrawal from, or limitation of the scope of international treaty obligations at its next session under the agenda item on the promotion and protection of human rights. The Sub-Commission decided to continue consideration of that question at its fifty-third session.

Human rights and human responsibilities

186. At its fifty-sixth session, the Commission on Human Rights, in its resolution 2000/63, requested the Sub-Commission to undertake a study on the issue of human rights and human responsibilities and to submit an interim study to the Commission on Human Rights at its fifty-seventh session and a complete study to the Commission at its fifty-eighth session.

187. At its fifty-second session, the Sub-Commission, in its decision 2000/111, decided to appoint Sub-Commission member Miguel Alfonso Martínez to undertake a study on the issue of human rights and human responsibilities and to request the Commission at its fifty-seventh session to recommend that the Economic and Social Council authorize Mr. Alfonso Martínez to undertake the study and to submit a preliminary report to the Commission at its fifty-eighth session and a final report at its fifty-ninth session.

188. In its decision 2001/115, the Commission on Human Rights approved the above recommendation of the Sub-Commission.

Terrorism and human rights

189. At its forty-eighth session, the Sub-Commission, in its resolution 1996/20, decided to entrust Mrs. Kalliopi K. Koufa with the task of preparing a working paper on the question of terrorism and human rights.

190. At its forty-ninth session, the Sub-Commission had before it the working paper prepared by Mrs. Koufa (E/CN.4/Sub.2/1997/28). In its resolution 1997/39, the Sub-Commission recommended that the Commission on Human Rights authorize the appointment of Mrs. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper.

191. At its forty-fourth session, the Commission on Human Rights, in its decision 1998/107, decided to approve the appointment of Mrs. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper. In its resolution 1998/29, the Sub-Commission requested the Special Rapporteur to elaborate a preliminary report based on her working paper and to submit it to the Sub-Commission at its fifty-first session, a progress report at its fifty-second session and a final report at its fifty-third session.

192. At its fifty-first session, the Sub-Commission had before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1999/27). In its resolution 1999/26, the Sub-Commission requested the Secretary-General to give the Special Rapporteur all the assistance necessary for the preparation of her progress report, in particular by providing for visits to Geneva, New York and, in particular, the United Nations Centre for International Crime Prevention of the United Nations Office for Drug Control and Crime Prevention in Vienna, in order to hold consultations with the competent services and bodies of the United Nations system, to complement her essential research and to collect all the needed and up-to-date information and data.

193. In its decision 2000/115, the Sub-Commission requested the Special Rapporteur to submit the progress report on her study at its fifty-third session. The Sub-Commission requested the Secretary-General to transmit, as soon as possible, the preliminary report on terrorism and human rights (E/CN.4/Sub.2/1999/27) to Governments, specialized agencies and concerned intergovernmental and non-governmental organizations for their comments, information and any relevant data they may wish to provide. The Secretary-General was also requested to make available to the Special Rapporteur all the information, including a compilation of studies and publications, on the implications of terrorism, as well as the effects of the fight against terrorism, on the full enjoyment of human rights collected by the Secretary-General from all relevant sources, including Governments, specialized agencies, intergovernmental organizations, non-governmental organizations and academic institutions, and made available to the relevant special rapporteurs and working groups of the Commission on Human Rights.

194. At its fifty-seventh session, the Commission on Human Rights, in its resolution 2001/37, endorsed the Sub-Commission's request to the Secretary-General to give the Special Rapporteur all the assistance necessary in order to hold consultations with the competent services and bodies of the United Nations system to complement her essential research and to collect all the needed and up-to-date information and data for the preparation of her progress report. The Commission requested the Special Rapporteur to give attention in her next report to the questions raised in that resolution.

195. At the present session, the Sub-Commission will have before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/2001/31).

Promotion and consolidation of democracy

196. In its decision 2000/116, the Sub-Commission, having taken note of Commission on Human Rights resolution 2000/47, especially the request in paragraph 2 that the Sub-Commission pay due attention to the content of paragraph 1 of resolution 2000/47 in which the Commission listed a group of measures to promote and consolidate democracy, decided to entrust Mr. Manuel Rodríguez-Cuadros with the task of preparing, without financial implications, a working paper on the measures provided in the various international human rights instruments for the promotion and consolidation of democracy, taking into account paragraph 1 of Commission resolution 2000/47, for submission to the Sub-Commission at its fifty-third session.

197. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Rodríguez-Cuadros (E/CN.4/Sub.2/2001/32).

State cooperation with United Nations human rights mechanisms

198. In its decision 2000/117, the Sub-Commission decided to adjourn the debate on draft resolution E/CN.4/Sub.2/2000/L.40, entitled "State cooperation with United Nations human rights mechanisms", until its fifty-third session.

The adverse effects on human rights of the proliferation and transfer of small arms and light weapons

199. In its decision 2000/118, the Sub-Commission decided to adjourn the debate on the draft decision entitled "The adverse effects on human rights of the proliferation and transfer of small arms and light weapons" until its fifty-third session. The draft decision read as follows:

> "The Sub-Commission on the Promotion and Protection of Human Rights, recalling its resolutions 1997/36 and 1997/37 in which it decided to authorize Ms. Clemencia Forero Ucros to draft a working paper on the question of illicit transfer of arms in the context of human rights and humanitarian norms, and recalling further that Ms. Forero Ucros was unable to complete that working paper, decides to entrust Ms. Deepika Udagama and Ms. Barbara Frey with the task of preparing, without financial implications, a working paper on the adverse effects on human rights of the proliferation and transfer of small arms and light weapons for submission to the Sub-Commission at its fifty-third session."

Other matters

200. The Sub-Commission may also wish to take into account the following requests made by the Commission on Human Rights at its fifty-seventh session.

201. In its resolution 2001/65, entitled "Promotion of a democratic and equitable international order", the Commission requested the human rights treaty bodies, the Office of the United Nations High Commissioner for Human Rights and the mechanisms of the Commission on Human Rights and the Sub-Commission on the Promotion and Protection of Human Rights to pay due attention, within their respective mandates, to the present resolution and to make contributions towards its implementation.

202. In its resolution 2001/71, entitled "Human rights and bioethics", the Commission again requested the Sub-Commission to consider what contribution it could make to the reflections of the International Bioethics Committee on the follow-up to the Universal Declaration on the Human Genome and Human Rights and to report on the matter to the Commission at its fifty-ninth session.

203. With regard to the various issues under this item, the Sub-Commission may also wish to note the following resolutions and decisions adopted by the Commission at its fifty-seventh session:

2001/36	Strengthening of popular participation, equity, social justice and non-discrimination as essential foundations of democracy
2001/37	Human rights and terrorism
2001/38	Hostage-taking
2001/41	Continuing dialogue on measures to promote and consolidate democracy
2001/42	Elimination of all forms of religious intolerance
2001/43	The incompatibility between democracy and racism
2001/47	The right to freedom of opinion and expression
2001/51	The protection of human rights in the context of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS)
2001/54	Internally displaced persons
2001/64	Human rights defenders
2001/65	Promotion of a democratic and equitable international order
2001/66	Convention on the Prevention and Punishment of the Crime of Genocide
2001/67	Enhancement of international cooperation in the field of human rights
2001/69	Promotion of the right of peoples to peace
2001/70	Impunity
2001/71	Human rights and bioethics
2001/72	The role of good governance in the promotion of human rights
2001/73	Human rights and international solidarity
2001/74	Abduction of children from northern Uganda
2001/75	Rights of the child

2001/76	Equitable geographical distribution of the membership of the human rights treaty bodies
2001/77	Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region
2001/79	Regional arrangements for the promotion and protection of human rights
2001/80	National institutions for the promotion and protection of human rights
2001/111	Science and the environment
2001/112	Fundamental standards of humanity

Item 7. Concluding items

Draft provisional agenda for the fifty-fourth session of the Sub-Commission

204. The Economic and Social Council, in its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

205. Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the fifty-third session, a note containing a draft provisional agenda for the fifty-fourth session, together with information concerning the documentation relating thereto (E/CN.4/Sub.2/2001/L.1).

Adoption of the report on the fifty-third session

206. Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session.

Annex

LIST OF MEMBERS AND ALTERNATES OF THE SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Note: The year given against the names of the Sub-Commission members and alternates represents the year when the term of office expires; the terms of office expire upon election of members of the Sub-Commission at the fifty-eighth (2002) session or at the sixtieth (2004) session of the Commission on Human Rights.

Mr. Miguel ALFONSO MARTÍNEZ *Mr. Juan Antonio FERNÁNDEZ PALACIOS	(Cuba)	2004
Mr. José BENGOA *Mr. Alejandro Enrique SALINAS RIVERA	(Chile)	2002
Ms. Erica-Irene A. DAES *Ms. Kalliopi KOUFA	(Greece)	2002
Mr. Asbjørn EIDE *Mr. Jan HELGESEN	(Norway)	2004
Mr. FAN Guoxiang	(China)	2002
Mr. Héctor FIX-ZAMUDIO *Mr. Alonso GÓMEZ-ROBLEDO VERDUZCO	(Mexico)	2002
Mr. Rajendra Kalidas Wimala GOONESEKERE *Ms. Deepika UDAGAMA	(Sri Lanka)	2002
Mr. El-Hadji GUISSÉ	(Senegal)	2002
Ms. Françoise Jane HAMPSON *Ms. Helena COOK	(United Kingdom of Great Britain and Northern Ireland)	2002
Mr. Fried Van HOOF *Ms. Lammy BETTEN	(Netherlands)	2004
Mr. Louis JOINET *Mr. Emmanuel DECAUX	(France)	2002
Ms. Iulia-Antoanella MOTOC *Ms. Victoria SANDRU-POPESCU	(Romania)	2004

* Alternate.

Mr. Stanislav OGURTSOV	(Belarus)	2004
Mr. Joseph OLOKA-ONYANGO	(Uganda)	2002
Mr. Soo Gil PARK *Ms. Chin Sung CHUNG	(Republic of Korea)	2004
Mr. Paulo Sérgio PINHEIRO *Ms. Marília S. ZELNER GONÇALVES	(Brazil)	2002
Mr. Godfrey Bayour PREWARE *Ms. Christy Ezim MBONU	(Nigeria)	2004
Mr. Teimuraz RAMISHVILI *Mr. Vladimir KARTASHKIN	(Russian Federation)	2002
Mr. Manuel RODRÍGUEZ-CUADROS	(Peru)	2004
Mr. Yeung Kam Yeung SIK YUEN	(Mauritius)	2002
Mr. Soli Jehangir SORABJEE	(India)	2002
Ms. Halima Embarek WARZAZI	(Morocco)	2004
Mr. David WEISSBRODT *Ms. Barbara FREY	(United States of America)	2004
Mr. Fisseha YIMER	(Ethiopia)	2004
Mr. Yozo YOKOTA *Ms. Yoshiko TERAO	(Japan)	2004
Ms. Leïla ZERROUGUI	(Algeria)	2004